



MEDIA RELEASE

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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DECEMBER 2008 Disciplinary Action Report

EDITORS: Tennessee Code Annotated, Section 56-1-302(a)(9) requires the Department of Commerce and Insurance to issue a monthly press release containing a disciplinary report which shall list all disciplinary actions taken by each board during the prior month. Below is a list of actions taken during the month of December 2008.

Accountancy Board

Respondent: Jain, Kiran, Bartlett, Illinois
Violation: Unlicensed Activity
Action: \$2000 Civil Penalty

Alarm Systems Contractors Board

Respondent: ADT Security Services, INC. NASHVILLE TN
Violation: Failure to Display Certification Number in Ads
Action: \$100 Civil Penalty

Architects & Engineers Board

Respondent: Carl E. Mason, Jr., P.E. #21902, Stone Mountain, GA
Violation: Failed to pay the privilege tax for two (2) years or more.
Action: Consent Order for an indefinite suspension until such time as respondent provides proof of payment in full.

Burial Services

Respondent: Lake Hill Memory Gardens, Inc., Bethel Springs, TN
Violation: Failure to level commodities, correct overturned vases, repair open holes, cut grass and remove debris in a timely manner
Action: \$250 Civil Penalty

Respondent: Mt. Olivet Cemetery, Nashville, TN
Violation: Failure to keep adequate records of every burial showing the date of burial, name of person buried, together with the designation of lot or space in which such burial was made therein
Action: \$250 Civil Penalty

Respondent: Superior Casket Sales of Jackson, TN and Donald DeMoulin, Beech Bluff, TN
Violation: Failure to register as a preneed seller and failure to deposit moneys received in advance for the furnishing of personal property or funeral or burial merchandise
Action: \$250 Civil Penalty in addition to hearing costs of \$200 and respondents shall not engage in the further sale of preneed funeral merchandise unless such sales are in compliance with current statutes, rules and regulations

Contractor Licensing Board

Respondent: Don's Home Improvement, Ashland City, TN
Violation: Unlicensed activity
Action: \$1,000 Civil Penalty

Respondent: Paul Randall Webb, Westmoreland, TN
Violation: Unlicensed activity
Action: \$1,000 Civil Penalty

Respondent: Terry A. Garrison Construction, Westmoreland, TN
Violation: Exceeding limit
Action: \$1,000 Civil Penalty

Cosmetology Board

Respondent: Debbie's Nails and Alteration, Knoxville, TN
Violation: Unlicensed individual
Action: \$2000 Civil Penalty

Respondent: Nail Art, Clarksville, TN
Violation: Sterilization, sanitation, no id tags, hot wax machine in shop
Action: \$4000 Civil Penalty

Respondent: Nails and Tans, Lewisburg, TN
Violation: Unlicensed individuals
Action: \$2500 Civil Penalty

Respondent: New Nails, Farragut, TN
Violation: Wax machine in the shop
Action: \$750 Civil Penalty

Respondent: Supercuts #90025, Franklin, TN
Violation: No licensed manager on duty, expired license, no id tags
Action: \$1500 Civil Penalty

Respondent: T & K Hair Salon, Nashville, TN
Violation: Unlicensed individuals
Action: \$3000 Civil Penalty

Respondent: T Nails, Sevierville, TN
Violation: Unlicensed individual
Action: \$3000 Civil Penalty

Respondent: Tippy Toes Nail Spa, Murfreesboro, TN
Violation: Unlicensed individuals
Action: \$3000 Civil Penalty

Respondent: Tommy Nails, Cookeville, TN
Violation: Unlicensed individual
Action: \$1000 Civil Penalty

Respondent: Viva Nails, Brentwood, TN
Violation: Wax machine in the shop
Action: \$750 Civil Penalty

Funeral Directors and Embalmers

Respondent: Cole & Garrett Funeral Home and Cremation Services, Goodlettsville, TN
Violation: Cremation authorization form lacked statutorily required information, business card posted on bulletin board lists an establishment name that differs from the licensed name and price for an alternative container on the General Price List is different than that listed on the Casket Price List
Action: \$1000 Civil Penalty

Respondent: Richard L. Curtis, Jr., Memphis, TN
Violation: Arrears of at least \$500 or more on child support for ninety (90) days or more

Violation: Unlawful for any person not a registered funeral director to engage in funeral directing (an unlicensed employee signed cremation authorization form as "funeral director") and a Statement of Goods and Services Selected failed to provide a description of merchandise chosen
Action: \$250 Civil Penalty

Respondent: Holmes Funeral Home, Nashville, TN
Violation: Operating an establishment and conducting funerals on invalid license due to non-renewal in a timely manner, cremation files lacked a copy of the cremation authorization form, reason for embalming omitted where required on the Statement of Funeral Goods and Services Selected and failure to provide a description of merchandise and services on Statement of Funeral Goods and Services Selected
Action: \$700 Civil Penalty

Respondent: Bill F. Hooper, Sr., Smithville, TN
Violation: Causing an advertisement to be placed in a telephone directory for an unlicensed establishment
Action: \$500 Civil Penalty

Respondent: J. E. Herndon Funeral Home, Memphis, TN
Violation: Presentation of a document to the field representative purporting to be a "funeral director and embalmer" license but such document was in fact not issued by the Board
Action: \$500 Civil Penalty

Respondent: M. D. Dotson & Sons Funeral Home, Athens, TN
Violation: The current licenses of a funeral director who is the manager and an embalmer not available for inspection, a cremation file was checked and the authorization form with statutorily required information was not present and failure to maintain a copy of license and latest inspection report of the crematory that the funeral homes uses
Action: \$500 Civil Penalty

Respondent: McCarty-Evergreen Funeral Home, Knoxville, TN
Violation: Current licenses of three funeral directors not available for inspection and failure to maintain a copy of the license and latest inspection report of the crematory that the funeral home uses
Action: \$250 Civil Penalty

Respondent: Mountain City Funeral Home, Mountain City, TN
Violation: An unlicensed employee engaging in conduct that constitutes funeral directing (arrangement conferences) with customers and aiding and abetting unlicensed conduct
Action: \$1300 Civil Penalty

Respondent: Mynatt Funeral Home, Inc., Halls Chapel, Knoxville, TN
Violation: FTC Rules and cremation files lacked a cremation authorization form
Action: \$250 Civil Penalty

Respondent: Ralph Buckner Funeral Home of Etowah, LLC, Etowah, TN
Violation: Alternative containers not listed on Casket Price List, caskets in selection room not listed on Casket Price List and Statements of Funeral Goods and Services Selected lacked required description of merchandise and services
Action: \$500 Civil Penalty

Respondent: Reed Funeral Home, Whitwell, TN
Violation: The current licenses of two funeral directors and an embalmer not available for inspection, failure to maintain current license of the crematory that the funeral home uses, a casket in the selection room not listed on the Casket Price List and alternative containers not listed on the Casket Price List
Action: \$750 Civil Penalty

Respondent: Oscar Hugh Slemph, Mountain City, TN
Violation: Aiding and abetting an unlicensed individual to practice funeral directing on numerous occasions
Action: \$650 Civil Penalty

Respondent: Stockdale-Malin Funeral Home, Camden, TN
Violation: Current license of a funeral director not available for inspection, casket price range, outer burial container price range and immediate burial price incorrect on General Price List, the prices of two caskets listed incorrectly on the Casket Price List and the prices of two outer burial containers listed incorrectly on the Outer Burial Container Price List
Action: \$250 Civil Penalty

Respondent: Tate Funeral Home, LLC, Jasper, TN
Violation: Current funeral director and embalmer license of the manager were invalid and the manager had signed a certificate of death for six decedents as both funeral director and embalmer, establishment not managed by a licensed

funeral director, five caskets in the selection room not listed and the price of one casket in selection room did not match price on the Casket Price List, and the license and latest inspection report of the crematory that the funeral home uses not available for inspection

Action: \$1200 Civil Penalty

Respondent: Thurman Funeral Home, LLC, Sparta, TN

Violation: Aiding and abetting unlicensed conduct by allowing an unlicensed employee to enter into a contract for the arrangement of funeral merchandise and services on three different occasions, practice by unregistered persons and preparation room floor needing repairs

Action: \$500 Civil Penalty

Respondent: Thurman Funeral Home, LLC, Sparta, TN

Violation: Operating an establishment and conducting funerals on invalid license due to non-renewal in a timely manner

Action: \$700 Civil Penalty

Motor Vehicle Commission

Respondent: Nissan of Rivergate, Madison, TN

Violation: Temporary Tag Log

Action: \$500 Civil Penalty

Respondent: Pancho's Used Cars, LLC, Springfield, TN

Violation: Unlicensed Salesperson/Temporary Tag Log/Open Title

Action: \$1500 Civil Penalty

Respondent: Tim Castellaw Ford, Dyersburg, TN

Violation: Unlicensed Activity

Action: \$500 Civil Penalty

Respondent: Sloan's Sales and Service, Murfreesboro, TN

Violation: Temporary Tag Log

Action: \$500 Civil Penalty

Respondent: Richard Scarfone, Sr, Lewisburg, TN

Violation: Unlicensed Dismantler/Recycler

Action: \$500 Civil Penalty

Respondent: Donald Samuel Scarfone, Lewisburg, TN

Violation: Unlicensed Dismantler/Recycler

Action: \$500 Civil Penalty

Respondent: Eugene Davenport, Murfreesboro, TN

Violation: Unlicensed Dismantler/Recycler

Action: \$500 Civil Penalty

Respondent: Ted Russell Ford Isuzu, Knoxville, TN

Violation: Unlicensed Auction

Action: \$3000 Civil Penalty

Private Investigations and Polygraph

Respondent: Eugene Dorsey, III Memphis TN
Violation: Failure to obtain required CPE in required time
Action: \$250 Civil Penalty

Respondent: Gregory Hill, Memphis TN
Violation: Failure to obtain required CPE in required time
Action: \$250 Civil Penalty

Respondent: Raymond E. Eganey Jr, Nashville, TN
Violation: Failure to obtain required CPE in required time
Action: \$250 Civil Penalty

Tennessee Real Estate Appraisers

Respondent: Michael Deal, Adamsville, TN
Violation: Violated USPAP by not sufficiently detailing the conditions of the sale and neighborhood location characteristics, by misreporting the site size of one of the comparables properties, and by not developing a credible and supported opinion of value after the remainder in an eminent domain appraisal report.
Action: \$1,250 Civil Penalty

Respondent: Channing C. Waits, Knoxville, TN
Violation: Violated USPAP by failing to summarize the analysis of the sale history of the subject property, failing to summarize the improvements of the subject property adequately, failing to reconcile quality differences between the subject and a comparable sale, failing to verify sale data information with public records, failing to support adjustments made in the sales comparison approach, and failing to adequately and consistently summarize the reconciliation of the value indications in the appraisal report.
Action: \$500.00 Civil Penalty and required to complete 3 courses: (1. a 30 hour sales comparison course; (2. a 30 hour residential report writing course; and (3. a 15 hour site valuation and cost approach course.

Respondent: Thomas C. Graves, Sevierville, TN
Violation: Numerous violations of USPAP in two appraisal reports by failing competently appraise a non-residential (church) property and a office building.
Action: \$1,000.00 Civil Penalty, downgrade of status to certified residential credential for 6 months, and required to complete 3 courses: (1. general appraiser sales comparison approach; (2. general appraiser income approach; and (3. general appraiser site valuation and cost approach course.

Tennessee Real Estate Commission

Licensee: Bernard Realty Group, Memphis, TN
Violation: Escrow account violation
Action: \$350 Civil Penalty

Licensee: Sherry Greene, Johnson City, TN
Violation: Failure to use reasonable skill and care
Action: \$1000 Civil Penalty

Licensee: Vola Noah, Harrogate, TN
Violation: Failure to complete required education in a timely manner
Action: \$450 Civil Penalty

Licensee: Courtney "Dru" Skaggs, Sequatchie, TN
Violation: Failure to maintain E&O insurance
Action: Revocation